

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Michael Hopkins, ) Civil No. 15cv788 JLS (PCL)  
v. Plaintiff, )  
R. Bustos et al., )  
Defendants. )  
)

**ORDER DENYING MOTION FOR  
PRELIMINARY INJUNCTION  
(Doc. 43.)**

Plaintiff filed a motion for preliminary injunction against Defendants to provide him with “an adequate and knowledgeable library technician assistant or send plaintiff to an institution where one is available.” (Doc. 43.)

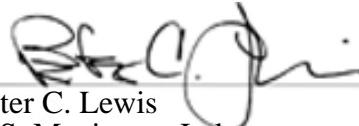
“A preliminary injunction is ‘an extraordinary and drastic remedy, on that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.’” Lopez v. Brewer, 680 F.3d 1068, 1072 (9<sup>th</sup> Cir. 2012) (quoting Mazurek v. Armstrong, 520 U.S. 968, 972 (1997)). A plaintiff seeking a preliminary injunction must show that (1) he is likely to succeed on the merits, (2) he is likely to suffer irreparable harm without an injunction, (3) the balance of equities tips in his favor, and (4) an injunction is in the public interest. Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008).

Here, Plaintiff has not demonstrated that he is likely to suffer irreparable harm without an injunction. As discussed in the settlement conference on July 7, 2016, Plaintiff has been placed in the Developmental Disability Program, through which he has been able to receive extra help in preparing his legal documents submitted to this court. However, he has not demonstrated how providing him a

1 library technician assistant would prevent irreparable harm to him. Although Plaintiff has had some  
2 trouble in prosecuting his case, including not be able to serve two defendants in this case, the balance of  
3 evidence before the court shows that Plaintiff has been given adequate access to legal materials and  
4 legal assistance; in other words, he has the means to properly litigate his case. Moreover, Plaintiff has  
5 not demonstrated to the court that he is likely to succeed on the merits of his case. For these reasons,  
6 Plaintiff's motion for preliminary injunction is DENIED.

7 IT IS SO ORDERED.

8 DATED: July 7, 2016



Peter C. Lewis  
U.S. Magistrate Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28